

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action mailed October 22, 2004. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Examiner Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Edelman spent with Applicant's Attorney, Charles Griggers, during a telephone discussion on November 23, 2004 regarding the outstanding Office Action. The cited references were discussed. In particular, *Mousseau* was discussed in considering proposed amendments. As a result of this conversation, Applicant presents new claim amendments and arguments that are contained herein and are believed to not be anticipated by *Mousseau* and the other cited references. Thus, Applicant respectfully requests that the Examiner carefully consider this response and the amendments.

3. Response to Rejection of Claim 12 under 35 U.S.C. § 112, First Paragraph

Claim 12 has been rejected under 35 U.S.C. §112, First Paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Office Action states that the phrase "gateway identifying information" is not disclosed by the specification. Applicant respectfully traverses the rejection, since it is believed that the claim was sufficiently described as required by 35 U.S.C. §112, First Paragraph. For example, the specification discloses that, in some embodiments, an indicia tag "is derived from the size and characteristics, among other characteristics such as identifying information for the gateway 14, for example." Page 6, para. 23.

Therefore, the feature of "gateway identifying information" is supported by the specification. However, the Office Action states that description in the specification is not sufficient to enable the claim language. Applicant respectfully submits that the description in the specification regarding "gateway identifying information" is sufficient to "enable any person

skilled in the art . . . to make and use” the claimed invention, as required by 35 U.S.C. §112, First Paragraph. In particular, Applicant respectfully submits that one of ordinary skill in the art is adept at providing information that identifies a gateway or in other words, “gateway identifying information.” It is respectfully asserted that the rejection to this claim should be withdrawn.

4. Response to Rejection of Claim 12 under 35 U.S.C. § 112, Second Paragraph

Claim 12 has been rejected under 35 U.S.C. §112, Second Paragraph, as containing “vague and unclear” language. The Office Action states that “the specification nor the claim clarifies what is meant by the term ‘identifying information.’” Applicant respectfully submits that the phrase “identifying information” as recited in claim 12 satisfies the requirements of 35 U.S.C. §112, Second Paragraph. As explained in section 1504.04 of the MPEP, the “definiteness of the language employed must be analyzed - not in a vacuum, but always in light of the teachings of prior art of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art.” *In re Moore*, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (CCPA 1971). Accordingly, within the Applicant’s disclosure, it is explained that a *unique* identifier is used to distinguish an indicia tag, and the unique identifier is based on any number of factors, including “gateway data” or “identifying information for the gateway.” See page 6, para. 23 and page 12, para. 36. Therefore, as described in the specification, “gateway identifying information” is information that can be used to uniquely identify an indicia tag. As such, Applicant respectfully requests that this rejection be withdrawn.

5. Response To Rejections of Claims 1-10, 12-30, and 33-37 Under 35 U.S.C. § 102(e)

In the Office Action, claims 1-10, 12-30, and 33-37 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Mousseau* (U.S. Patent No. 6,438,585). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

a. Claim 1

A method for processing data in a wireless communication network,
comprising:

receiving at least one electronic message having at least one attachment associated therewith;
associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment; and
determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Mousseau* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 1.

Rather, *Mousseau* discloses a system for delivering and receiving a message with attachment(s) at a network address of a host system and then resending or redirecting an attachment to a mobile device based solely upon attachment type. *See, e.g.*, Col. 8, lines 19-27. (“Also programmed into the redirector 11 is the address of the user’s mobile data communication device 24, the type of the device, and whether the device 24 can accept certain types of attachments, such as word processing or voice attachments. If the user’s type of mobile device cannot accept these types of attachments, the redirector 12 can be programmed to route the attachments to a fax or voice number where the user is located.”) Therefore, *Mousseau* fails to disclose, teach, or suggest at least the features of “associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 1. For at least these reasons alone, *Mousseau* does not anticipate claim 1. Therefore, the rejection of claim 1 should be withdrawn.

b. Claims 2-10 and 12-19

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-10 and 12-19 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-10 and 12-19 contain all the features of independent claim 1. Additionally and notwithstanding the foregoing reasons for allowability of claims 2-10 and 12-19, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

c. Claim 20

A system for processing data in a wireless communication network,
comprising:

means for receiving at least one electronic message having at least one
attachment associated therewith;

***means for associating identifying indicia with each attachment in
accordance with attachment file type and at least one additional characteristic
of said attachment; and***

***means for determining whether to transmit each attachment, in a push
operation, to a recipient of said message at the network address based on said
identifying indicia of a respective attachment.***

(Emphasis added).

Applicant respectfully submits that independent claim 20 is allowable for at least the reason that *Mousseau* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “means for associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “means for determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 20.

Rather, *Mousseau* discloses a system for delivering and receiving a message with attachment(s) at a network address of a host system and then resending or redirecting an attachment to a mobile device based solely upon attachment type. *See, e.g.*, Col. 8, lines 19-27. (“Also programmed into the redirector 11 is the address of the user’s mobile data communication device 24, the type of the device, and whether the device 24 can accept certain types of attachments, such as word processing or voice attachments. If the user’s type of mobile device

cannot accept these types of attachments, the redirector 12 can be programmed to route the attachments to a fax or voice number where the user is located.”) Therefore, *Mousseau* fails to disclose, teach, or suggest at least the features of “means for associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “means for determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 20. For at least these reasons alone, *Mousseau* does not anticipate claim 20. Therefore, the rejection of claim 20 should be withdrawn.

d. Claims 21-22

Because independent claim 20 is allowable over the prior art of record, dependent claims 21-22 (which depend from independent claim 20) are allowable as a matter of law for at least the reason that the dependent claims 21-22 contain all the features of independent claim 20. Additionally and notwithstanding the foregoing reasons for allowability of claims 21-22, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

e. Claim 23

A computer-readable medium containing instructions for controlling a computer system to perform a method in a wireless communication environment, said method comprising:

receiving at least one electronic message having at least one attachment associated therewith;

associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment; and

determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment.

(Emphasis added).

Applicant respectfully submits that independent claim 23 is allowable for at least the reason that *Mousseau* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “associating identifying indicia with each attachment in accordance

with attachment file type and at least one additional characteristic of said attachment” and “determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 23.

Rather, *Mousseau* discloses a system for delivering and receiving a message with attachment(s) at a network address of a host system and then resending or redirecting an attachment to a mobile device based solely upon attachment type. *See, e.g.*, Col. 8, lines 19-27. (“Also programmed into the redirector 11 is the address of the user’s mobile data communication device 24, the type of the device, and whether the device 24 can accept certain types of attachments, such as word processing or voice attachments. If the user’s type of mobile device cannot accept these types of attachments, the redirector 12 can be programmed to route the attachments to a fax or voice number where the user is located.”) Therefore, *Mousseau* fails to disclose, teach, or suggest at least the features of “associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 23. For at least these reasons alone, *Mousseau* does not anticipate claim 23. Therefore, the rejection of claim 23 should be withdrawn.

f. Claims 24-25

Because independent claim 23 is allowable over the prior art of record, dependent claims 24-25 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that the dependent claims 24-25 contain all the features of independent claim 23. Additionally and notwithstanding the foregoing reasons for allowability of claims 24-25, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

g. Claim 26

A system for processing an electronic message having at least one attachment associated therewith in a wireless communication network, said system comprising:

a gateway structured with an internal network to receive electronic messages from at least one source;

said gateway structured to identify each attachment of said electronic message with an indicia tag representative of attachment type and at least one additional characteristic of said attachment; and

said gateway structured to transmit, in a push operation, at least a portion of each of said electronic messages to a recipient of said message in accordance with said indicia tag, wherein said transmitted portion includes at least clear text.

(Emphasis added).

Applicant respectfully submits that independent claim 26 is allowable for at least the reason that *Mousseau* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “identify[ing] each attachment of said electronic message with an indicia tag representative of attachment type and at least one additional characteristic of said attachment” and “transmit[ing], in a push operation, at least a portion of each of said electronic messages to a recipient . . . in accordance with said indicia tag,” as recited in claim 26.

Rather, *Mousseau* discloses a system for delivering and receiving a message with attachment(s) at a network address of a host system and then resending or redirecting an attachment to a mobile device based solely upon attachment type. *See, e.g.*, Col. 8, lines 19-27. (“Also programmed into the redirector 11 is the address of the user’s mobile data communication device 24, the type of the device, and whether the device 24 can accept certain types of attachments, such as word processing or voice attachments. If the user’s type of mobile device cannot accept these types of attachments, the redirector 12 can be programmed to route the attachments to a fax or voice number where the user is located.”) Therefore, *Mousseau* fails to disclose, teach, or suggest at least the features of “identify[ing] each attachment of said electronic message with an indicia tag representative of attachment type and at least one additional characteristic of said attachment” and “transmit[ing], in a push operation, at least a portion of each of said electronic messages to a recipient . . . in accordance with said indicia tag,” as recited in claim 26. For at least these reasons alone, *Mousseau* does not anticipate claim 26. Therefore, the rejection of claim 26 should be withdrawn.

h. Claims 27-30 and 33-37

Because independent claim 26 is allowable over the prior art of record, dependent claims 27-30 and 33-37 (which depend from independent claim 26) are allowable as a matter of law for at least the reason that the dependent claims 27-30 and 33-37 contain all the features of independent claim 26. Additionally and notwithstanding the foregoing reasons for allowability of claims 27-30 and 33-37, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

6. Response To Rejections of Claims 1-3, 5-10, 13-15, 20-31, and 33-37 Under 35 U.S.C. § 102(e)

In the Office Action, claims 1-3, 5-10, 13-15, 20-31, and 33-37 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Foladare* (U.S. Patent No. 6,311,210). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

a. Claim 1

A method for processing data in a wireless communication network, comprising:

receiving at least one electronic message having at least one attachment associated therewith;

associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment; and

determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Foladare* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and

“determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 1.

Rather, *Foladare* discloses a system for redirecting a message with attachment(s) to a mobile device based solely upon attachment type. *See, e.g.*, Col. 6, lines 18-40. (“The determination of which type of attachments to send may be based on file extensions such as .doc, .txt, .exe, .bmp, and the like.”) Therefore, *Foladare* fails to disclose, teach, or suggest at least the features of “associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 1. For at least these reasons alone, *Foladare* does not anticipate claim 1, and the rejection of claim 1 should be withdrawn.

b. Claims 2-3, 5-10, and 13-15

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-3, 5-10, and 13-15 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-3, 5-10, and 13-15 contain all the features of independent claim 1. Additionally and notwithstanding the foregoing reasons for allowability of claims 2-3, 5-10, and 13-15, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

c. Claim 20

A system for processing data in a wireless communication network,
comprising:

means for receiving at least one electronic message having at least one
attachment associated therewith;

***means for associating identifying indicia with each attachment in
accordance with attachment file type and at least one additional characteristic
of said attachment;*** and

***means for determining whether to transmit each attachment, in a push
operation, to a recipient of said message at the network address based on said
identifying indicia of a respective attachment.***

(Emphasis added).

Applicant respectfully submits that independent claim 20 is allowable for at least the reason that *Foladare* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “means for associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “means for determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 20.

Rather, *Foladare* discloses a system for redirecting a message with attachment(s) to a mobile device based solely upon attachment type. *See, e.g.*, Col. 6, lines 18-40. (“The determination of which type of attachments to send may be based on file extensions such as .doc, .txt, .exe, .bmp, and the like.”) Therefore, *Foladare* fails to disclose, teach, or suggest at least the features of “means for associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “means for determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 20. For at least these reasons alone, *Foladare* does not anticipate claim 20, and the rejection of claim 20 should be withdrawn.

d. Claims 21-22

Because independent claim 20 is allowable over the prior art of record, dependent claims 21-22 (which depend from independent claim 20) are allowable as a matter of law for at least the reason that the dependent claims 21-22 contain all the features of independent claim 20. Additionally and notwithstanding the foregoing reasons for allowability of claims 21-22, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

e. Claim 23

A computer-readable medium containing instructions for controlling a computer system to perform a method in a wireless communication environment, said method comprising:

receiving at least one electronic message having at least one attachment associated therewith;
associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment; and
determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment.

(Emphasis added).

Applicant respectfully submits that independent claim 23 is allowable for at least the reason that *Foladare* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 23.

Rather, *Foladare* discloses a system for redirecting a message with attachment(s) to a mobile device based solely upon attachment type. *See, e.g.*, Col. 6, lines 18-40. (“The determination of which type of attachments to send may be based on file extensions such as .doc, .txt, .exe, .bmp, and the like.”) Therefore, *Foladare* fails to disclose, teach, or suggest at least the features of “associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment” and “determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 23. For at least these reasons alone, *Foladare* does not anticipate claim 23, and the rejection of claim 23 should be withdrawn.

f. Claims 24-25

Because independent claim 23 is allowable over the prior art of record, dependent claims 24-25 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that the dependent claims 24-25 contain all the features of independent claim 23. Additionally and notwithstanding the foregoing reasons for allowability of claims 24-25, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

g. Claim 26

A system for processing an electronic message having at least one attachment associated therewith in a wireless communication network, said system comprising:

a gateway structured with an internal network to receive electronic messages from at least one source;

said gateway structured to identify each attachment of said electronic message with an indicia tag representative of attachment type and at least one additional characteristic of said attachment; and

said gateway structured to transmit, in a push operation, at least a portion of each of said electronic messages to a recipient of said message in accordance with said indicia tag, wherein said transmitted portion includes at least clear text.

(Emphasis added).

Applicant respectfully submits that independent claim 26 is allowable for at least the reason that *Foladare* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “identify[ing] each attachment of said electronic message with an indicia tag representative of attachment type and at least one additional characteristic of said attachment” and “transmit[ing], in a push operation, at least a portion of each of said electronic messages to a recipient . . . in accordance with said indicia tag,” as recited in claim 26.

Rather, *Foladare* discloses a system for redirecting a message with attachment(s) to a mobile device based solely upon attachment type. *See, e.g.*, Col. 6, lines 18-40. (“The determination of which type of attachments to send may be based on file extensions such as .doc, .txt, .exe, .bmp, and the like.”) Therefore, *Foladare* fails to disclose, teach, or suggest at least the features of “identify[ing] each attachment of said electronic message with an indicia tag representative of attachment type and at least one additional characteristic of said attachment” and “transmit[ing], in a push operation, at least a portion of each of said electronic messages to a recipient . . . in accordance with said indicia tag,” as recited in claim 26. For at least these reasons alone, *Foladare* does not anticipate claim 26, and the rejection of claim 26 should be withdrawn.

h. Claims 27-31 and 33-37

Because independent claim 26 is allowable over the prior art of record, dependent claims 27-31 and 33-37 (which depend from independent claim 26) are allowable as a matter of law for at least the reason that the dependent claims 27-31 and 33-37 contain all the features of independent claim 26. Additionally and notwithstanding the foregoing reasons for allowability of claims 27-31 and 33-37, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

7. Response To Rejections of Claims 1-11, 13-15, 20-34, 36, and 37 Under 35 U.S.C. § 102(e)

In the Office Action, claims 1-11, 13-15, 20-34, 36, and 37 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Beyda* (U.S. Patent No. 6,275,850). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

a. Claim 1

A method for processing data in a wireless communication network, comprising:

receiving at least one electronic message having at least one attachment associated therewith;

associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment; and

determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Beyda* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features “determining whether to transmit each attachment, in a push

operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 1.

Rather, *Beyda* discloses a system for delivering and receiving a message whereby the receiving party initiates the downloading of messages including attachments from a router/server 12. *See, e.g.*, col. 5, lines 23-36. Therefore, *Beyda* fails to disclose, teach, or suggest at least the feature of determining whether to transmit an attachment in a push operation to a recipient. For at least these reasons alone, *Beyda* does not anticipate claim 1. Therefore, the rejection of claim 1 should be withdrawn.

b. Claims 2-11 and 13-15

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-11 and 13-15 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-11 and 13-15 contain all the features of independent claim 1. Additionally and notwithstanding the foregoing reasons for allowability of claims 2-11 and 13-15, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

c. Claim 20

A system for processing data in a wireless communication network,
comprising:

means for receiving at least one electronic message having at least one
attachment associated therewith;

means for associating identifying indicia with each attachment in
accordance with attachment file type and at least one additional characteristic of
said attachment; and

***means for determining whether to transmit each attachment, in a push
operation, to a recipient of said message at the network address based on said
identifying indicia of a respective attachment.***

(Emphasis added).

Applicant respectfully submits that independent claim 20 is allowable for at least the reason that *Beyda* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features of “means for determining whether to transmit each attachment, in a

push operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 20.

Rather, *Beyda* discloses a system for delivering and receiving a message whereby the receiving party initiates the downloading of messages including attachments from a router/server 12. *See, e.g.*, col. 5, lines 23-36. Therefore, *Beyda* fails to disclose, teach, or suggest at least the feature of determining whether to transmit an attachment in a push operation to a recipient. For at least these reasons alone, *Beyda* does not anticipate claim 20. Therefore, the rejection of claim 20 should be withdrawn.

d. Claims 21-22

Because independent claim 20 is allowable over the prior art of record, dependent claims 21-22 (which depend from independent claim 20) are allowable as a matter of law for at least the reason that the dependent claims 21-22 contain all the features of independent claim 20. Additionally and notwithstanding the foregoing reasons for allowability of claims 21-22, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

e. Claim 23

A computer-readable medium containing instructions for controlling a computer system to perform a method in a wireless communication environment, said method comprising:

receiving at least one electronic message having at least one attachment associated therewith;

associating identifying indicia with each attachment in accordance with attachment file type and at least one additional characteristic of said attachment; and

determining whether to transmit each attachment, in a push operation, to a recipient of said message based on said identifying indicia of a respective attachment.

(Emphasis added).

Applicant respectfully submits that independent claim 23 is allowable for at least the reason that *Beyda* does not disclose, teach, or suggest anywhere in the specification or in the figures at least the features “determining whether to transmit each attachment, in a push

operation, to a recipient of said message based on said identifying indicia of a respective attachment,” as recited in claim 23.

Rather, *Beyda* discloses a system for delivering and receiving a message whereby the receiving party initiates the downloading of messages including attachments from a router/server 12. *See, e.g.*, col. 5, lines 23-36. Therefore, *Beyda* fails to disclose, teach, or suggest at least the feature of determining whether to transmit an attachment in a push operation to a recipient. For at least these reasons alone, *Beyda* does not anticipate claim 23. Therefore, the rejection of claim 23 should be withdrawn.

f. Claims 24-25

Because independent claim 23 is allowable over the prior art of record, dependent claims 24-25 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that the dependent claims 24-25 contain all the features of independent claim 23. Additionally and notwithstanding the foregoing reasons for allowability of claims 24-25, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

g. Claim 26

A system for processing an electronic message having at least one attachment associated therewith in a wireless communication network, said system comprising:

 a gateway structured with an internal network to receive electronic messages from at least one source;

 said gateway structured to identify each attachment of said electronic message with an indicia tag representative of attachment type and at least one additional characteristic of said attachment; and

said gateway structured to transmit, in a push operation, at least a portion of each of said electronic messages to a recipient of said message in accordance with said indicia tag, wherein said transmitted portion includes at least clear text.

(Emphasis added).

Applicant respectfully submits that independent claim 26 is allowable for at least the reason that *Beyda* does not disclose, teach, or suggest anywhere in the specification or in the

figures at least the features of “said gateway structured to transmit, in a push operation, at least a portion of said electronic messages to a recipient of said message at a network address specified in the electronic message in accordance with said indicia tag, wherein said transmitted portion includes at least clear text,” as recited in claim 26.

Rather, *Beyda* discloses a system for delivering and receiving a message whereby the receiving party initiates the downloading of messages including attachments from a router/server 12. See, e.g., col. 5, lines 23-36. Therefore, *Beyda* fails to disclose, teach, or suggest at least the feature of transmitting a portion of a message in a push operation. For at least these reasons alone, *Beyda* does not anticipate claim 26. Therefore, the rejection of claim 26 should be withdrawn.

h. Claims 27-34, 36, and 37

Because independent claim 26 is allowable over the prior art of record, dependent claims 27-34, 36, and 37 (which depend from independent claim 26) are allowable as a matter of law for at least the reason that the dependent claims 27-34, 36, and 37 contain all the features of independent claim 26. Additionally and notwithstanding the foregoing reasons for allowability of claims 27-34, 36, and 37, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

8. Response to Rejection of Claims 31 and 32 under 35 U.S.C. § 103(a)

In the Office Action, claims 31 and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Mousseau*. For a proper rejection of a claim under 35 U.S.C. § 103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Because independent claim 26 is allowable over the prior art of record, dependent claims 31-32 (which depend from independent claim 26) are allowable as a matter of law for at least the reason that the dependent claims 31-32 contain all the features of independent claim 26.

9. Response to Rejection of Claim 11 under 35 U.S.C. § 103(a)

In the Office Action, claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Mousseau* in view of *Beyda*. For a proper rejection of a claim under 35 U.S.C. § 103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Because independent claim 1 is allowable over the prior art of record, dependent claim 11 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 11 contains all the features of independent claim 1.

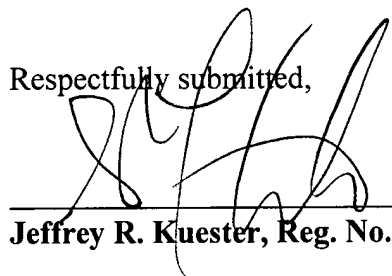
10. Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-37 are in condition for allowance. In addition, Applicant does not intend to admit anything regarding any other statements in the Office Action that is not explicitly referenced in this response. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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